



1/25/2024

Dear Chris,

I have received your letter dated 1/18/2024, and I submit the following in response:

TOC Requested Amenity	GBM Response
1. Applicant will grant Town a 30'x60' permanent easement for public lake access.	Agreed. With the stipulation that the assessed value of 3904 CR 16 be reduced by 80%.
2. Applicant will convert current boat lifts into over-the-water pavilion for public use prior to the 2025 boating season.	Agreed.
3. Applicant will install a small watercraft launch area in the 30'x60' easement area prior to the 2025 boating season.	Agreed.
4. Restaurant will be returned to the proposal.	Agreed. GBM would like to remind the TOC board that GBM must spend \$1.5M+ on land and buildings offsite <u>just to clear space</u> at the marina for the restaurant. This does not include the cost of building the restaurant.
5. Parking will be included on the west side of West Lake Road.	Agreed. To clarify, this means parking will only be on the upland portion of the property, not on the west side of the road itself.
6. Applicant will pay \$100,000 towards water mitigation projects identified by the Town, to be paid in 2 consecutive annual installments commencing by 2026.	Opposed. See "The TOC Resident Lake Access Program" outlined below.
7. Applicant will supply one cabin for Onanda Park by 2027.	Opposed. See "The TOC Resident Lake Access Program" outlined below.
8. Applicant will provide a permanent easement and construct a trail and connection between West Lake Road and RSM HOA lands. Letter to Peter Bruu and Greg Westbrook German Brothers Incentive Zoning January 18, 2024	Agreed. With the stipulation that the easement must be granted to the TOC by RSM for access to the HOA trails before GBM can grant the requested permanent easement to the TOC. GBM will deliver the trail connector within 12

	months of the agreement being signed between TOC and RSM.
9. No parking along the entire portion of West Lake Road along which applicant's property runs.	Agreed. With the stipulation that for public safety, so that people are not forced to walk on West Lake Rd., parking is allowed on the West side of the road for the three-day weekends of the three summer holidays, for nine days annually.
10. 10 public boat slips will be provided.	Agreed in prior response. 9 slips are for the public and 1 slip is reserved for the Cheshire Fire Department.
11. No boat parking/storage west of West Lake Road.	Agreed. Boats will not be parked on the road or on the upland portion of the property
12. Hill where boats are currently stored shall be beautified with landscaping.	Agreed. With discussion to follow. The slope of the property limits the options.
13. Future development of the western portion of the property will be subject to a Special Use Permit issued by the Town of Canandaigua.	Additional discussion is required to understand why the TOC is recommending a Special Use Permit versus Community Commercial.

GBM is having a very hard time providing amenities that are totally irrelevant to the overall project that feel like "money grabs" by the TOC. Instead, GBM proposes "The Town of Canandaigua Resident Lake Access Program". This program provides very relevant, highly targeted amenities, directly to anyone registered to vote in the Town of Canandaigua. Components of the proposed program include:

1. GBM would form a "Partnership" with the TOC Parks and Recreation Committee to assist the TOC to support multiple programs that will benefit TOC residents. GBM would request a seat on the Parks and Recreation Committee. Together we can successfully boost the number of residents who experience the lake for their 1st or 50th time.
2. New Boat Purchase – 5% Discount
3. Summer and/or Winter Storage – 10% Discount
4. Pontoon Boat Weekday Rental – 15% Discount
5. Kayak Weekday Rental – 50% Discount
6. Canoe Weekday Rental – 50% Discount
7. Stand Up Paddleboard Weekday Rental – 50% Discount

Additional Stipulations

GBM's agreement to the items above assume that the TOC will:

1. Insure all public areas and indemnify GBM.

2. Be financially responsible for all maintenance and repairs of all public areas.

The implementation of these two items will need to be discussed and agreed to.

GBM requires that the Incentive Zoning be designated Community Commercial and not “Special Use Permits” for the restaurant, ship store/ice cream shop/coffee shop. We understand the three “Lot Line Adjustments” via an administrative action, will result in three new lots that will conform to the Town of Canandaigua Uniform Dock and Mooring (UDML) thus supporting the Tier 2 Designation, which will result in each lot having up to 50 docks/slips along with 4 moorings/ lot.

Your map with the purple areas indicating what is covered by the easement needs a few corrections. To be clear, the easement on the east side of West Lake Rd starts at the north edge of the 3904 West Lake Rd property and extends 60’ to south. The easement on the west side of West Lake Rd is for only the trails (see stipulation above) and does not include the parking area.

I look forward to our next discussion at the TOC board meeting on Wednesday, January 31st, 2024.

Peter Bruu
Member
German Brothers Marina